

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

NO. 2:18-CR-37-FL-1

UNITED STATES OF AMERICA

v.

CHARLES ANTHONY WALKER, JR.,

Defendant.

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ORDER

This matter is before the court on the government's proposed sealed consent motion (DE 366) to continue trial, and motion (DE 367) to seal the same.

The government presents good cause for continuing trial on the basis of the medical status of a critical trial witness, who will require hospitalization and recovery time rendering testimony at trial impossible to the prejudice of the government's case.<sup>1</sup> Therefore, the motion to continue is allowed, and trial in this case is hereby continued to December 7, 2020, at 10:00 a.m., starting with a conference with the parties, followed by jury selection at 10:30 a.m. However, all other terms and deadlines of the court's October 7, 2020, scheduling order, including deadlines for voir dire, jury instructions, and verdict form, remain in full force and effect.

The court finds that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial. Any period of delay necessitated by this


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<sup>1</sup> The court does not find good cause for continuance on the alternative basis that November 3, 2020, is election day, where argument implicitly is made that the court should suspend trial activities for the entirety of that day. Voting issues concerning can be mitigated by advance planning on the part of the voter given alternative procedures available to those unable to cast ballot in person including early voting and voting by absentee ballot. To the extent any issue persists on November 3, 2020, the court also may make accommodation in scheduling that day to allow opportunity for in-person voting.

continuance is excluded from the Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A).

Finally, the court finds good cause to seal the motion to continue, where it contains sensitive medical information. The clerk is DIRECTED to file the motion at DE 366 under seal, except that filed stamped copies be provided upon counsel for the parties.

SO ORDERED, this the 13th day of October, 2020.

  
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LOUISE W. FLANAGAN  
United States District Judge